

REMARKS

Favorable reconsideration of this application in view of the remarks to follow is respectfully requested. Since the present Response raises no new issues, and in any event, places the application in better condition for consideration on appeal, entry thereof is respectfully requested.

Applicants observe that no claim amendments have been performed in this Supplemental Response; therefore the claims are in the form as indicated in the Amendment and Response dated July 3, 2003. The purpose of this Supplemental Response is to address the defects in the previously submitted 132 Declaration of Emanuel I. Cooper that was filed on December 15, 2003. The remarks made in the previous submitted 116 Response should be entered since the remarks address the various grounds of rejection raised in the Final Rejection of September 15, 2003.

In the Advisory Action, the following defects in the previous submitted 132 Declaration were noted:

1. The declaration is signed by Emanuel I. Cooper who did not actually conduct or directly supervise or control the experiments;
2. Much of the Declaration is Emanuel I. Cooper's unsupported opinions;
3. The optical photograph referred to on page 6, line 10 was not attached;
4. The declaration refers to Fig. 5 of the applied reference as showing cracks.

However, the Examiner alleges that his version is so dark that is impossible to discern the presence or absence of cracks.

5. There is no explanation of the figures on pages 5, 9 and 10 of the declaration;
- and

6. The declaration does not specifically explain what data was generated, the significance of the data and how the data distinguishes the claimed invention from Kakuno.

In view of the above defects in the previously submitted 132 Declaration, applicants submit herewith another 132 Declaration which is signed by Hong Xu. The newly submitted declaration is believed to overcome the defects mentioned in the Advisory Action. Each of the above alleged defects in the previously submitted § 1.132 Declaration will now be addressed. First, the newly submitted declaration is signed by Hong Xu, the inventor who actually performed the experiments or the experiments were performed under her direction, supervision or control. This obviates the first defect mentioned above in the Advisory Action.

Secondly, since Hong Xu has executed the declaration and since the comments made therein are attested to and supported by data, the comments are not unsupported opinion. In particular, the Declaration provides data which shows that the CoFe films disclosed in the Kakuno, et al., which have been reproduced in the Declaration, have different properties than the claimed CoFe composition. Hence, the second deficiency in the previously submitted declaration has been overcome by this new submission.

The new Declaration includes the missing magnetic loop data as well as the missing optical photographs. See Exhibits 1 and 3, respectively. The submission of the magnetic loop data and the optical photographs obviates the third deficiency noted above.

Insofar as Fig. 5 is concerned, applicants observe that Fig. 5 is from the Kakuno, et al. paper not the applicants' specification as erroneously indicated in the Advisory Action. To improve the quality of the photographs the Examiner is viewing, the new

declaration includes Exhibit 2 wherein a photoquality copy of Fig. 5 of the Kakuno, et al. disclosure has been provided. The inclusion of the photoquality copy of prior art Fig. 5 is believed to overcome the deficiency under item 4 above.

To obviate the defect under item 5 of the Advisory Action, a description of each of the figures embedded in the declaration have been added to the new declaration together with a brief description of the importance of each. This material added to the new declaration is believed to overcome the defect under item 5.

Lastly, the newly submitted declaration does explain what data is generated, the significance of the data and how the data distinguishes the claimed invention from the prior art. Specifically, and as indicated in paragraphs 5 and 8 of the new Declaration, the experiments of the declaration were performed to show differences between the inventive CoFe film and a film that was reproduced in accordance with the disclosure of Kakuno, et al. The table, which is provided in the declaration, illustrates that the same plating set-up as disclosed in Kakuno, et al. was used as well as the same substrates for plating. The film composition, magnetic moment resistivity and B-H loops of the film prepared in accordance with the Kakuno were measured and compared to the CoFe film of the present invention. The oxygen and nitrogen concentration in the plated films were also measured and a comparison was made. As is indicated and shown in the attached declaration, Kakuno, et al. do not disclose or suggest applicants' claimed cobalt-iron binary alloy electroplated film having a saturation magnetization of at least about 2.30 Telsa, said film being substantially free of oxygen and iron oxide, anisotropic and consisting of a binary alloy $(100\%-x) \text{Co}(x)\text{Fe}$, where x is between about 55% and about 75% by weight. In contrast to the claimed films, the CoFe films of the prior art were shown in the declaration to have a magnetic moment of 2.2 Telsa, which value is below

the claimed range of at least 2.3 Telsa. Moreover, the prior art films contain oxygen as an impurity in an amount of 5.7 atomic %, which is above the claimed limitation of the inventive films. The data also generated shows that the prior art films had isotropic properties, not anisotropic as presently claimed.

In view of the above remarks and the experiments evidenced in the attached § 132 Declaration, applicants submit that the claims of the present invention are patentably distinguished from the disclosure of Kakuno, et al. Applicants thus respectfully request that the Examiner reconsider and withdrawal the rejections under 35 U.S.C. § 102(b) and §103 that are based upon the disclosure of Kakuno, et al. raised in the Final Rejection.

Thus, in view of the foregoing amendments and remarks, it is firmly believed that the present case is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



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Enclosures Declaration of Hong Xu
Exhibits 1-4